

REMARKS

By the above actions, claim 1 has been further amended and claim 10 has been canceled. In view of the amendments made and the following comments, further consideration of this application is now requested.

Claims 1-6, 21 and 22 have been rejected under 35 U.S.C. § 102, as being anticipated by Lehner et al. while claims 10 & 11 have been found unpatentable over Lehner et al. when viewed in combination with Hakansson et al. under § 103. Since the feature of now-canceled claim 10 is present in claim 1, the question is whether the Hakansson et al. patent would make it obvious use the snap-in coupling of Hakansson et al. in place of the coupling 14, 15 of the Lehner et al. patent. It is submitted that the answer to that question is "no" for the following reasons.

Hakansson et al. disclose a fundamentally different type of hearing apparatus than that of either the present applicants. That is they teach an external hearing aid that is connected to the skull of the user via a detachable coupling of which only a portion of a female coupling part of a male-female coupling is implanted.

Furthermore, while male coupling element is able to snap-in to the female part for connecting them together, the coupling parts are separated by rotating the external male part (to which the hearing aid is connected) relative to the partially implanted female coupling part. As noted in applicants' preceding response, there is absolutely nothing in the disclosure of Hakansson et al. that would indicate that such a coupling assembly would be usable in the fully implanted environment of Bushek et al. in which the entire coupling assembly would be located within the middle ear, one part being fixed to the mastoid, and the other holding a transducer against the stapes. In this regard, it is pointed out that the coupling assembly of Hakansson et al. is not designed to provide the type of adjustments provided by Lehner et al.'s coupling and that of the present invention.

Put another way, Hankansson discloses a coupling arrangement in a context where neither access nor exact positioning is of importance. Moreover, due to the relative rotational capacity of the coupling parts, exact positioning can never be maintained so that "in an assembled state" it would not enable "fixing of the transducer with respect to the micromanipulator" nor would it maintain the rotational position of the transducer as set by the micromanipulator prior to replacement without readjustment. Thus, not only would it not be obvious to combine the teachings of these two patents, but any combination thereof that might be made would not result in a system having the structure and capabilities of the present invention.

For this reason, the rejection of claims under §§ 102/103, are not appropriate and should be withdrawn, such action being hereby requested.

The Examiner has rejected of the claims, 1-7, 19, 21, and 22 under 35 U.S.C. § 102, as being anticipated by Bushek et al. ('755). This rejection should be withdrawn for the following reasons. Apart from the fact that this rejection was not applied relative to claim 10 which, as noted above, has had its subject matter incorporated into amended claim 1, but as admitted by the Examiner, "adjustment of the releasable coupling unit (168, 165, 135, 139) is necessary to reposition the transducer after removal." Thus, claim 1 has been amended to preclude further reliance on the possibility that the position set by the micromanipulator (147, 149, 150) might not be influenced by the removal of the coupling by changing the language to require that the coupling maintain the position set by the micromanipulator prior to removal without readjustment of the micromanipulator. No positive means for maintaining the set position exists with the coupling of the Bushek et al. patent. Therefore, this rejection should be withdrawn and such action is hereby requested.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved or should any new issues arise, which could be eliminated through further discussions with Applicants'

representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



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